

11. How does the Board determine satisfactory rehabilitation of an “applicant for licensure” or licensee?

Pursuant to Business and Professions Code sections 480 and 490, and Title 16 California Code of Regulations, sections 2522 and 2522.5 (VN Regulations) and sections 2579 and 2579.1 (PT Regulations), the Board utilizes the following general criteria to determine satisfactory rehabilitation:

- The nature and severity of the act(s) or crime(s) under consideration.
- Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration.
- The time that has elapsed since commission of the act(s) or crime(s) under consideration.
- The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed.
- Evidence, if any, of rehabilitation.

12. What does the Board look for on the Department of Justice (DOJ) and/or Federal Bureau of Investigation (FBI) reports?

The Board reviews the RAP sheets (i.e., criminal record reports) to ensure that the conviction history matches what you provided on your Record of Conviction form and to determine if the violation is related to the qualifications of a licensee.

13. How can you get a copy of your RAP sheet (i.e., criminal record report)?

You may request a copy of your RAP sheet from the Department of Justice (DOJ). DOJ requires you to complete a “Record Review Process” form, complete another fingerprint card and pay a fee for processing. To obtain more information on this process, you must contact DOJ directly.

14. How long does a conviction stay on your RAP sheet?

The information contained on your RAP sheet is retained indefinitely. Therefore, you should always report all convictions. Failure to disclose all past convictions may result in disciplinary action.

15. Why doesn’t the Board delineate the criteria for denial of a license?

The Board looks at each application for licensure on a case-by-case basis. There are many factors which must be evaluated to determine a person’s qualifications to practice.

16. Why do you have to take and pass the examination before a decision is made on your conviction history?

The Board does not have any authority to deny your application for examination, only your application for licensure. Therefore, the Board can only make its official determination when you have successfully met all the requirements for initial licensure.

For further information, consumers and licensees may contact:

Board of Vocational Nursing and Psychiatric Technicians

2535 Capitol Oaks Drive, Suite 205

Sacramento, CA 95833-2945

Telephone (916) 263-7800

Fax (916) 263-7859

<http://www.bvnpt.ca.gov>



Disciplinary Overview

Convictions Frequently Asked Questions

Informational Series #3



**Published by
Board of Vocational Nursing
and
Psychiatric Technicians**

***“Consumer Protection...
Our Primary Mission”***

FAQs About Convictions

The information contained in this brochure applies to vocational nurse (VN) and psychiatric technician (PT) applicants and licensees.

1. Do you have to report an arrest if you were not convicted?

No. You only need to report an arrest if you were convicted.

2. Do you have to report traffic violations and/or automobile accidents?

Yes, if a traffic ticket was issued and you were fined over \$500.

3. What happens if you can't obtain certified court documents and police reports on convictions?

You must submit written proof from the court or police department specifying inability to locate the required documents. The Board verifies this and bases its decision on other substantial information (e.g., letters of recommendation, evidence of rehabilitation, etc.).

4. Do you have to report non-payment of child support?

No. However, if your case is in the District Attorney's (DA) Office for non-payment, the DA notifies the Department of Consumer Affairs Family Support Unit. If you are deemed eligible for licensure, your license is issued on a temporary basis for 150 days. If at the end of that time period, you have not established a payment agreement with the DA's Office, your license is suspended.

5. Do you have to report a conviction that was expunged (i.e., conviction was stricken or deleted from official records)?

Yes. Pursuant to Penal Code section 1203.4, you are required to report a conviction that was expunged. The law specifies that it does not relieve you from the obligation to disclose the conviction in response to any direct questions contained in any questionnaire or application for public office, for licensure by any state or local agency...

6. What happens if you fail to disclose all or part of your convictions?

Failure to disclose all or part of your convictions may be grounds for denial or disciplinary action as you falsified information required on your application for licensure or renewal of licensure.

7. Do you have to report misdemeanors, felonies and/or convictions which you pled nolo contendere?

Yes. Pursuant to Business and Professions Code, section 2878.6 (VN Practice Act) and section 4523 (PT Law), a plea or verdict of guilty or a conviction following a plea of nolo contendere is considered a conviction. Any conviction substantially related to the qualifications, functions and duties of a licensee can be grounds for denial or discipline of a license.

8. Do you have to report convictions if you were under 18 years old and tried as an adult?

Yes. If you were under 18 years of age, but were tried and convicted as an adult, you are required to disclose the conviction.

9. Do you have to report military convictions or dishonorable discharge?

Yes. Any offense or violation during your military career must be reported to the Board on the Record of Conviction form.

10. How does the Board determine which violations are substantially related to the applicant's license?

Pursuant to Title 16, California Code of Regulations, section 2521 (VN Regulations) and section 2578 (PT Regulations), a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a LVN or PT if to a substantial degree it evidences present or potential unfitness to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to those involving the following issues:

- Procuring a license by fraud, misrepresentation or mistake.
- A conviction of practicing medicine without a license.
- Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the VN Practice Act or PT Law.
- Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of the Medical Board of California Practice Act.
- Conviction of a crime involving fiscal dishonesty.
- Any crime or act involving the sale, gift, administration, or furnishing of "narcotics or dangerous drugs or dangerous devices" as defined in the Pharmacy Practice Act, Section 4022.